

APPENDIX C: DETERMINATION OF ELIGIBILITY AND FINDING OF EFFECT AND MEMORANDUM OF AGREEMENT

**DETERMINATION OF ELIGIBILITY
AND
FINDING OF EFFECT**

for

**Syracuse Road (SR-108)
1000 West to 2000 West, Syracuse
Davis County, Utah**

Prepared by the

FEDERAL HIGHWAY ADMINISTRATION, UTAH DIVISION

and the

UTAH DEPARTMENT OF TRANSPORTATION

Submitted to the

UTAH STATE HISTORIC PRESERVATION OFFICE

Philip F. Notarianni, State Historic Preservation Officer

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SUMMARY SHEET

1. Project: Project No. STP-0108(8)4: Syracuse Road (SR-108), 1000 West to 2000 West, Syracuse
2. Location: Davis County, Utah.
3. Funding: Federal.
4. Lead Federal Agency: Federal Highway Administration, Utah Division.
5. Inventory/Evaluation Report(s):
A Cultural Resource Inventory of a Segment of Syracuse Road (SR-108), From 1000 West to 2000 West, In Syracuse, Davis County, Utah (Billat 2004)
Selective Reconnaissance Survey, Syracuse, Davis County, Utah (Calkins 2004)
6. Historic Properties: See Table 1
7. Affected Historic Properties: See Table 2
8. Project Effect: **Adverse Effect** (See Table 2)
9. Section 4(f) Determination: Section 4(f) applies to all Eligible property "used" by the Build Alternatives.
10. Preferred Preservation Alternative: Historic American Building Survey (HABS), Historic American Engineering Record (HAER), and/or Utah State Intensive Level Survey (ILS) recordation of historic properties.
11. Agreement Documents: Memorandum of Agreement between the FHWA, the USHPO, and the ACHP. Suggested MOA stipulations include the above preservation alternatives, as well as reporting and curation standards, planning for discovery, review of implementation, dispute resolution and contingency plans for handling any Native American human remains discovered.

INTRODUCTION

This documentation is a Determination of Eligibility and Finding of Effect (DOE/FOE) for federal-aid highway project **STP-0108(8)4; Syracuse Road (SR-108), 1000 West to 2000 West, Syracuse**. This document specifies consideration given to historic properties in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and 36 CFR 800: Protection of Historic Properties. The Federal Highway Administration, Utah Division (FHWA) is the lead federal agency for purposes of Section 106. The Utah Department of Transportation (UDOT) is the state highway agency coordinating this project, and is the applicant for federal funds. A summary sheet condensing pertinent project data is provided at the beginning of this document to expedite Section 106 and Section 4(F) reviews.

PROJECT

The UDOT, in coordination with the Federal Highway administration (FHWA), is proposing transportation improvements along Syracuse Road (SR-108) between 1000 West and 2000 West in Syracuse. The proposed action involves constructing additional through lanes and widening shoulders from 1000 West to 2000 West.

The project is situated along a 1.6 km (1.0 mile) section of the Syracuse Road (SR-108/1700 South) between 1000 West and 2000 West in Syracuse. The project area is shown in Exhibit A.

Project Alternatives

A number of concept alternatives were initially considered, but the No Action, Alternative C: South Shift, and Alternative D: North Shift were the only alternatives carried forward for further evaluation. As shown in Exhibit B, these alternatives were developed to evaluate whether the roadway should be widened to one side or the other.

No Build Alternative - No construction with routine maintenance.

Alternative C: South Shift - The South Shift Alternative consists of widening the road primarily on the south to a five-lane cross-section with shoulders, curb, gutter, parkstrip, and sidewalk within a 110-foot right-of-way (see Exhibit B). This alignment begins offset 32 feet to the north at 2000 West and transitions to full widening to the south by Banbury Drive. Between Banbury Drive and about 300 to 400 feet west of 1000 West, the alignment stays shifted to the south, and then transitions to match the existing 1000 West intersection.

Alternative D: North Shift - The North Shift Alternative consists of widening the road primarily on the north side to create a five-lane cross-section with shoulders, curb, gutter,

parkstrip, and sidewalk within a 110-foot right-of-way (see Exhibit B). This alignment begins offset 32 feet to the north at 2000 West and remains offset to the north until it transitions south to match the existing 1000 West intersection 300 to 400 feet west of 1000 West.

The entire Area of Potential Effects (APE) as illustrated in Exhibit B has been evaluated for impacts. No cultural resource sites were located within the APE. All of the Eligible buildings within the APE are listed in Table 2.

HISTORIC, ARCHEOLOGICAL AND PALEONTOLOGICAL RESOURCES

The effort to identify and evaluate all archaeological and paleontological resources within the APE, as defined by 36 CFR 800.16(d), was completed and reported by Earth Touch, Inc. in a volume entitled *A Cultural Resource Inventory of a Segment of Syracuse Road (SR-108), From 1000 West to 2000 West, In Syracuse, Davis County, Utah* (Billat 2004). A reconnaissance level survey to identify and evaluate all historic structures in Syracuse was completed and reported by Nancy Calkins in a volume entitled *Selective Reconnaissance Survey, Syracuse, Davis County, Utah* (Calkins 2004). The inventory and evaluation efforts were conducted in accordance with the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 Federal Register Part IV).

Inventory

No historic or prehistoric sites were located during the cultural resource inventory which was conducted only within the APE (Billat 2004). Much of the area has been previously developed through agricultural use, residential structures, or commercial businesses.

In accordance with UDOT regulations, buildings that are at least 45 years old are considered in-period properties. In an effort to more clearly determine the significance of the historic resources along the project corridor relative to those within the city of Syracuse as a whole, a selective reconnaissance survey was conducted for the entire city of Syracuse as well as an area between the west boundary of Syracuse and the Great Salt Lake. A total of 194 in-period structures and sites were identified within this survey area during the inventory for this project (Calkins 2004). In the course of this study, three in-period structures were demolished for commercial development. Of the 191 remaining in-period structures, 103 are determined eligible for nomination to the National Register of Historic Places (NRHP) under one or more criteria (see Table 1). A total of 33 of the Eligible structures are located within the APE (see Table 1 and Table 2).

Historic boundaries were established to include the elements of each property which contribute to setting, feeling, and association. These elements include outbuildings, landscape features, natural features, undeveloped farmland associated with agricultural properties, or other

elements that contribute to conveying the property's significance. In general, historic property boundaries are defined as the legal tax description boundary for each structure. Within Syracuse City, many of the tax parcels extend to the centerline of the street. In these cases, the historic boundary is delineated behind the sidewalk since features within the existing transportation right-of-way, including the road, curb and gutter, and sidewalks, do not retain historic integrity and are not contributing elements to any of the historic properties.

No sensitive paleontological resources were discovered during the survey (Billat 2004).

Evaluation

In accordance with 36 CFR 800.4(c), the National Register of Historic Places (NRHP) criteria were applied to all 194 in-period properties within the survey area. Each of the 103 eligible properties within the survey area is identified in Table 1: Historic Properties within the Survey Area. The 33 eligible properties which are located within the project APE are identified in Table 1 as shaded entries.

The UDOT has determined the sites below meet the age criteria of at least 45 years of age, possess integrity of location, design, setting, materials, workmanship, feeling and association, and meet one or more of the four criteria (A, B, C and D), and are therefore Eligible for nomination to the NRHP.

Table 1. Historic Properties within the Survey Area

Construction Date	Architectural Style	Building Type	Original Use	Address/Comments	NRHP Eligibility
c. 1955	Ranch/Rambler	Ranch/Rambler	Single Dwelling	1322 S. 1000 W.	Eligible under C
c. 1950	Early Ranch	Early Ranch/Rambler	Single Dwelling	1336 S. 1000 W.	Eligible under C
c. 1950	Ranch/Rambler	Ranch/Rambler	Single Dwelling	1356 W. 1000 W.	Eligible under C
c. 1955	Early Ranch	Early Ranch/Rambler	Single Dwelling	1384 W. 1000 W.	Eligible under C
c. 1955	Ranch/Rambler	Ranch w/Garage	Single Dwelling	1418 S. 1000 W.	Eligible under C
c. 1955	Ranch/Rambler	Ranch w/Garage	Single Dwelling	1446 S. 1000 W.	Eligible under C
c. 1930	20 th Century: Other	Other Residential Type	Single Dwelling	1654 S. 1000 W.	Eligible Under C
c. 1940	Minimal Traditional	WWII-Era Cottage	Single Dwelling	2013 S. 1000 W.	Eligible Under C
c. 1945	Minimal Traditional	WWII-Era Cottage	Single Dwelling	2051 S. 1000 W.	Eligible under C
c. 1925	Prairie School	Bungalow	Single Dwelling	2121 S. 1000 W.	Eligible under C
c. 1940	Minimal Traditional	WWII-Era Cottage	Single Dwelling	2144 S. 1000 W.	Eligible under C
c. 1945	Minimal Traditional	WWII-Era Cottage	Single Dwelling	2207 S. 1000 W.	Eligible under C
c. 1880	Period Revival: Other	Crosswing	Single Dwelling	2216 S. 1000 W.	Eligible under C
c. 1925	English Cottage	Period Cottage	Single Dwelling	2309 S. 1000 W.	Eligible under C
c. 1945	Minimal Traditional	WWII-Era Cottage	Single Dwelling	2504 S. 1000 W.	Eligible under C
c. 1925	English Cottage	Period Cottage	Single Dwelling	2881 S. 1000 W.	Eligible under C
c. 1902	Classical: Other	Crosswing	Single Dwelling	2896 S. 1000 W.	Eligible under C
c. 1950	Early Ranch	Early Ranch/Rambler	Single Dwelling	3024 S. 1000 W.	Eligible under C

c. 1921	Bungalow	Bungalow	Single Dwelling	1048 W. 1700 S.	Eligible under B and C
c. 1945	Early Ranch	Early Ranch/Rambler	Single Dwelling	1136 W. 1700 S.	Eligible under C
c. 1907	20 th Century Other	Crosswing	Single Dwelling	1206 W. 1700 S.	Eligible under B
c. 1951	Ranch/Rambler	Ranch w/Garage	Single Dwelling	1224 W. 1700 S.	Eligible under C
c. 1957	Ranch/Rambler	Ranch w/Garage	Single Dwelling	1379 W. 1700 S.	Eligible under C
c. 1949	Minimal Traditional	WWII-Era Cottage w/Garage	Single Dwelling	1384 W. 1700 S.	Eligible under C
c. 1955	Ranch/Rambler	Ranch w/Garage	Single Dwelling	1412 W. 1700 S.	Eligible under C
c. 1913	Bungalow	Four-Square	Single Dwelling	1518 W. 1700 S.	Eligible under C
c. 1948	Minimal Traditional	WWII-Era Cottage	Single Dwelling	1532 W. 1700 S.	Eligible under C
c. 1958	Early Ranch	Early Ranch w/Garage	Single Dwelling	1533 W. 1700 S.	Eligible under C
c. 1947	Minimal Traditional	WWII-Era Cottage w/Garage	Single Dwelling	1557 W. 1700 S.	Eligible under C
c. 1942	Minimal Traditional	WWII-Era Cottage	Single Dwelling	1558 W. 1700 S.	Eligible under C
c. 1940	20 th Century Commercial	Arcaded Block	Commercial	1578 W. 1700 S.	Eligible under C
c. 1954	Early Ranch	Early Ranch w/Garage	Single Dwelling	1609 W. 1700 S.	Eligible under C
c. 1956	Ranch/Rambler	Ranch w/Garage	Single Dwelling	1661 W. 1700 S.	Eligible under C
c. 1954	Early Ranch	Early Ranch w/Garage	Single Dwelling	1674 W. 1700 S.	Eligible under C
c. 1953	Ranch/Rambler	Ranch/Rambler	Single Dwelling	1688 W. 1700 S.	Eligible under C
c. 1900	Victorian Eclectic	Foursquare	Single Dwelling	1698 W. 1700 S.	Eligible under C
c. 1910	Bungalow/Period Revival: Other	Bungalow	Single Dwelling	1708 W. 1700 S.	Eligible under C
c. 1937	Minimal Traditional	WWII-Era Cottage	Single Dwelling	1711 W. 1700 S.	Eligible under C
c. 1958	Early Ranch	Early Ranch w/Garage	Single Dwelling	1729 W. 1700 S.	Eligible under C
c. 1920	Bungalow	Bungalow	Single Dwelling	1752 W. 1700 S.	Eligible under C
c. 1909	Victorian Eclectic	Crosswing - Center	Single Dwelling	1782 W. 1700 S.	Eligible under B and C
c. 1946	20 th Century: Other Vernacular	Other Late 20 th Century	Single Dwelling	1792 W. 1700 S.	Eligible under C
c. 1913	20 th Century: Other	Crosswing	Single Dwelling	1797 W. 1700 S.	Eligible under B
c. 1900	Vernacular	1-Part Block	Specialty Store	1848 W. 1700 S.	Eligible under A and C
c. 1926	Colonial Revival	Bungalow	Single Dwelling	1851 W. 1700 S.	Eligible under C
c. 1948	Minimal Traditional	WWII-Era Cottage	Single Dwelling	1862 W. 1700 S.	Eligible under C
c. 1950	Ranch/Rambler	Ranch w/Garage	Single Dwelling	1867 W. 1700 S.	Eligible under C
c. 1926	20 th Century Commercial	Service Bay/Business	Service Station	2047 W. 1700 S.	Eligible under C
c. 1926	Period Revival: Other	Bungalow	Single Dwelling	2057 W. 1700 S.	Eligible under C
c. 1880	Classical: Other	Hall-Parlor	Single Dwelling	2357 W. 1700 S.	Eligible under C
c. 1936	English Cottage	Period Cottage	Single Dwelling	2403 W. 1700 S.	Eligible under C
c. 1900	Victorian Eclectic	Crosswing-Center	Single Dwelling	2441 W. 1700 S.	Eligible under C
c. 1905	English Cottage	Period Cottage	Single Dwelling	2596 W. 1700 S.	Eligible under C
c. 1940	Minimal Traditional	WWII-Era Cottage	Single Dwelling	2664 W. 1700 S.	Eligible under C
c. 1925	Bungalow	Bungalow	Single Dwelling	2768 W. 1700 S.	Eligible under C
c. 1880	20 th Century: Other	Hall-Parlor	Single Dwelling	3447 W. 1700 S.	Eligible under C
c. 1950	Ranch/Rambler	Ranch/Rambler	Single Dwelling	3871 W. 1700 S.	Eligible under C
c. 1930	Minimal Traditional	WWII-Era Cottage	Single Dwelling	4256 W. 1700 S.	Eligible under C
c. 1940	Minimal Traditional	WWII-Era Cottage	Single Dwelling	4341 W. 1700 S.	Eligible under C
c. 1900	Victorian Eclectic	Crosswing	Single Dwelling	721 S. 2000 S.	Eligible under C
c. 1924	20 th Century Commercial	Comm./Industrial Bloc	Manufacturing	850 S. 2000 W.	Eligible under C
c. 1935	Minimal Traditional	WWII-Era Cottage	Single Dwelling	963 S. 2000 W.	Eligible under C
c. 1920	English Cottage	Period Cottage	Single Dwelling	1133 S. 2000 W.	Eligible under C

c. 1910	Victorian Eclectic	Foursquare	Single Dwelling	1163 S. 2000 W.	Eligible under C
c. 1910	Victorian Eclectic	Foursquare	Single Dwelling	1217 S. 2000 W.	Eligible under C
c. 1923	Bungalow	Bungalow	Single Dwelling	1317 S. 2000 W.	Eligible under C
c. 1925	Vernacular	1-Part Block	Service Station	1443 S. 2000 W.	Eligible under C
c. 1945	Minimal Traditional	WWII-Era Cottage	Single Dwelling	1587 S. 2000 W.	Eligible under C
c. 1940	Minimal Traditional	WWII-Era Cottage	Single Dwelling	1639 S. 2000 W.	Eligible under C
c. 1926	20 th Century Commercial	1-Part Block	Grocery	1655 S. 2000 W.	Eligible under A and C
c. 1940	Minimal Traditional	WWII-Era Cottage	Single Dwelling	1998 S. 2000 W.	Eligible under C
c. 1900	Victorian Eclectic	Crosswing	Single Dwelling	2038 S. 2000 W.	Eligible under C
c. 1940	Minimal Traditional	WWII-Era Cottage	Single Dwelling	2072 S. 2000 W.	Eligible under C
c. 1902	Victorian Eclectic	Central Blk	Single Dwelling	2134 S. 2000 W.	Eligible under C
c. 1955	Ranch/Rambler	Ranch/Rambler	Single Dwelling	2219 S. 2000 W.	Eligible under C
c. 1945	Early Ranch	Early Ranch/Rambler	Single Dwelling	2223 S. 2000 W.	Eligible under C
c. 1928	Period Revival: Other Minimal Traditional	WWII-Era Cottage	Single Dwelling	2238 S. 2000 W.	Eligible under C
c. 1955	Ranch/Rambler	Ranch/Rambler	Single Dwelling	2368 S. 2000 W.	Eligible under C
c. 1955	Ranch/Rambler	Ranch/Rambler	Single Dwelling	2434 S. 2000 W.	Eligible under C
c. 1920	Bungalow	Bungalow	Single Dwelling	2462 S. 2000 W.	Eligible under C
c. 1902	Victorian: Other	Side Passage/Entry	Single Dwelling	2517 S. 2000 W.	Eligible under C
c. 1930	20 th Century: Other	Other Late 20 th Century Type	Single Dwelling	921 W. 2700 S.	Eligible under C
c. 1955	Early Ranch	Early Ranch w/Garage	Single Dwelling	1504 W. 2700 S.	Eligible under C
c. 1904	Classical: Other	Hall-Parlor	Single Dwelling	1919 W. 2700 S.	Eligible under C
c. 1851	Log: Other/Undefined	Single Cell	Residential	977 S. 3000 W.	Eligible under C
c. 1880	Classical: Other	Hall-Parlor	Single Dwelling	2866 S. 3000 W.	Eligible under C
c. 1880	Classical: Other	Crosswing	Single Dwelling	740 W. 3700 S.	Eligible under C
c. 1902	Victorian Eclectic	Crosswing	Single Dwelling	1837 S. 4000 W.	Eligible under C
c. 1955	Ranch/Rambler	Ranch/Rambler	Single Dwelling	2380 S. 4000 W.	Eligible under C
c. 1920	Vernacular	Imprvm. Era/Dairy Barn	Agricultural	801 S. 4500 W.	Eligible under C
c. 1920	Arts & Crafts Period Revival: Other	Bungalow	Single Dwelling	920 S. 4500 W.	Eligible under C
c. 1955	Early Ranch	Early Ranch/Rambler	Single Dwelling	1539 W. 700 S.	Eligible under C
c. 1910	Bungalow	Bungalow	Single Dwelling	1713 W. 700 S.	Eligible under C
c. 1927	Bungalow	Bungalow	Single Dwelling	2288 W. 700 S.	Eligible under C
c. 1945	Early Ranch	Early Ranch/Rambler	Single Dwelling	2511 W. 700 S.	Eligible under C
c. 1945	Early Ranch	Early Ranch/Rambler w/Garage	Single Dwelling	2572 W. 700 S.	Eligible under C
c. 1950	Early Ranch	Early Ranch w/Garage	Single Dwelling	2579 W. 700 S.	Eligible under C
c. 1923	Bungalow	Bungalow	Single Dwelling	2626 W. 700 S.	Eligible under C
c. 1900	Queen Anne	Crosswing	Single Dwelling	3266 W. 700 S.	Eligible under C
c. 1900	Queen Anne	Crosswing	Single Dwelling	3348 W. 700 S.	Eligible under C
c. 1900	Period Revival: Other	Crosswing	Single Dwelling	3444 W. 700 S.	Eligible under C
c. 1887	Victorian Eclectic	Crosswing-Double	Single Dwelling	4762 W. 700 S.	Eligible under C
c. 1890	Classical: Other	Crosswing	Single Dwelling	4765 W. 700 S.	Eligible under C

Legend

Shaded Row - Properties that are within the APE

Assessment of Avoidance

The design concept for this project proposes to generally follow the alignment of the existing road and widening the right-of-way to either the north or south. Every effort has been made to avoid historic properties, however, consideration of other factors such as safety requirements and design standards were considered as well. Pursuant to the commitment to avoid NRHP Eligible properties, the UDOT considered a number of right-of-way realignments to avoid or minimize impacts to eligible properties along the project corridor.

Exhibit C illustrates the relationship of the build alternative designs to all potentially affected NRHP Eligible historic properties. In general, the sites listed above (Table 1) are considered avoided by the project under each build alternative if a right-of-way take does not impact the historic property boundary.

Neither of the build alternatives would avoid all of the historic properties located along the corridor (Exhibit C). All of the potentially impacted properties are summarized on Table 2.

Potentially Impacted Historic Properties

The following properties have the potential to be impacted by the build alternatives:

1654 South 1000 West

This property consists of a 20th Century Other Residential type single dwelling constructed ca. 1930 and is Eligible for the NRHP under Criterion C.

1048 West 1700 South

This property consists of a Bungalow single dwelling constructed ca. 1921 by Alma Osro Stoker and is Eligible for the NRHP under Criteria B and C. Alma Stoker was a successful stockman and farmer in Syracuse and served as bishop for 12 years, served on the draft board during World War II, and served as president of the West Branch Irrigation Company.

1136 West 1700 South

This property consists of an Early Ranch single dwelling constructed ca. 1945 and is Eligible for the NRHP under Criterion C.

1206 West 1700 South

This property consists of a 20th Century Other single dwelling constructed ca. 1907 by John Lamont Stoker and is Eligible for the NRHP under Criterion B. John Stoker was a successful dairy farmer and served on the West Branch Irrigation Company board of directors.

1224 West 1700 South

This property consists of a Ranch/Rambler single dwelling constructed ca. 1951 and is Eligible for the NRHP under Criterion C.

1379 West 1700 South

This property consists of a Ranch/Rambler single dwelling constructed ca. 1957 and is Eligible for the NRHP under Criterion C.

1384 West 1700 South

This property consists of a Minimal Traditional World War II-Era Cottage single dwelling constructed ca. 1949 and is Eligible for the NRHP under Criterion C.

1412 West 1700 South

This property consists of a Ranch/Rambler single dwelling constructed ca. 1955 and is Eligible for the NRHP under Criterion C.

1518 West 1700 South

This property consists of a Bungalow single dwelling constructed ca. 1913 and is Eligible for the NRHP under Criterion C.

1532 West 1700 South

This property consists of a Minimal Traditional World War II-Era Cottage single dwelling constructed ca. 1948 and is Eligible for the NRHP under Criterion C.

1533 West 1700 South

This property consists of an Early Ranch single dwelling constructed ca. 1958 and is Eligible for the NRHP for the NRHP under Criterion C.

1557 West 1700 South

This property consists of a Minimal Traditional World War II-Era Cottage single dwelling constructed ca. 1947 and is Eligible for the NRHP under Criterion C.

1558 West 1700 South

This property consists of a Minimal Traditional World War II-Era Cottage single dwelling constructed ca. 1942 and is Eligible for the NRHP under Criterion C.

1578 West 1700 South

This property consists of a 20th Century Commercial Arcaded Block structure constructed ca. 1940 and is Eligible for the NRHP under Criterion C.

1609 West 1700 South

This property consists of an Early Ranch single dwelling constructed ca. 1954 and is Eligible for the NRHP under Criterion C.

1661 West 1700 South

This property consists of a Ranch/Rambler single dwelling constructed ca. 1956 and is Eligible for the NRHP under Criterion C.

1674 West 1700 South

This property consists of an Early Ranch single dwelling constructed ca. 1954 and is Eligible for the NRHP under Criterion C.

1688 West 1700 South

This property consists of a Ranch/Rambler single dwelling constructed ca. 1953 and is Eligible for the NRHP under Criterion C.

1698 West 1700 South

This property consists of a Victorian Eclectic Foursquare single dwelling constructed ca. 1900 and is Eligible for the NRHP under Criterion C.

1708 West 1700 South

This property consists of a Bungalow single dwelling constructed ca. 1910 and is Eligible for the NRHP under Criterion C.

1711 West 1700 South

This property consists of a Minimal Traditional World War II-Era Cottage single dwelling constructed ca. 1937 and is Eligible for the NRHP under Criterion C.

1729 West 1700 South

This property consists of an Early Ranch single dwelling constructed ca. 1958 and is Eligible for the NRHP under Criterion C.

1752 West 1700 South

This property consists of a Bungalow single dwelling constructed ca. 1920 and is Eligible for the NRHP under Criterion C.

1782 West 1700 South

This property consists of a Victorian Eclectic single dwelling constructed ca. 1909 by Thomas Thurgood and is Eligible for the NRHP under Criteria B and C. Thomas Thurgood was one of the original settlers in Syracuse and served as president of the first town board. He was also involved in organizing the Davis and Weber Counties Canal Company and was a major stockholder in the Central Mercantile Company Store.

1792 West 1700 South

This property consists of a 20th Century Other Vernacular single dwelling constructed ca. 1946 and is Eligible for the NRHP under Criterion C.

1797 West 1700 South

This property consists of a 20th Century Other single dwelling constructed ca. 1913 by Daniel Walker and is Eligible for the NRHP under Criterion B. Daniel Walker was a member of the group that formed the Syracuse Mercantile Company.

1848 West 1700 South

This property consists of a Vernacular 1-Part Block specialty store constructed ca. 1900 and is Eligible for the NRHP under Criteria A and C. The structure housed the Syracuse Mercantile Company, the first retail store in Syracuse above the bluff.

1851 West 1700 South

This property consists of a Colonial Revival Bungalow constructed ca. 1926 and is Eligible for the NRHP under Criterion C.

1862 West 1700 South

This property consists of a Minimal Traditional World War II-Era Cottage single dwelling constructed ca. 1948 and is Eligible for the NRHP under Criterion C.

1867 West 1700 South

This property consists of a Ranch/Rambler single dwelling constructed ca. 1950 and is Eligible for the NRHP under Criterion C.

2047 West 1700 South

This property consists of a 20th Century Commercial Service Bay constructed ca. 1926 and is Eligible for the NRHP under Criterion C.

2057 West 1700 South

This property consists of a Period Revival Other Bungalow constructed ca. 1926 and is Eligible for the NRHP under Criterion C.

1655 South 2000 West

This property consists of a 20th Century Commercial 1-Part Block constructed ca. 1926 and is Eligible for the NRHP under Criteria A and C. The structure housed the Modern Cash Market which was the city's second grocery store.

Finding of Effect

Exhibit C illustrates the relationship between historic properties and the design for all alternatives for the entire length of the project. The UDOT determined that 4 of the 33 historic properties Eligible under Criterion C will not be impacted by the project to include 1867 West 1700 South, 2047 West 1700 South, 2057 West 1700 South, and 1655 South 2000 West. Accordingly, the UDOT has determined that the implementation of the alternatives considered will result in **No Historic Properties Affected** for the properties located at 1867 West 1700 South, 2047 West 1700 South, 2057 West 1700 South, and 1655 South 2000 West pursuant to 36 CFR 800.4(d) and 800.5(a-d) (summarized on Table 2).

The UDOT concluded that implementation of the South Shift Alternative will result in a complete take for the properties located at 1379 West 1700 South, 1533 West 1700 South, 1557 West 1700 South, 1609 West 1700 South, 1661 West 1700 South, 1711 West 1700 South, 1729 West 1700 South, 1797 West 1700 South, 1848 West 1700 South, and 1862 West 1700 South. Therefore, in accordance with 36 CFR 800.4(d) and 800.5(a-d), the UDOT has determined this alternative will have an **Adverse Effect** on these properties. This alternative also requires that small amounts of right-of-way are acquired from five other historic properties. In all of these cases, the right-of-way acquisitions will not effect any of the contributory elements of the property. Accordingly, this alternative will result in **No Adverse Effect** for the properties located at 1654 South 1000 West, 1048 West 1700 South, 1782 West 1700 South, 1792 West 1700 South, and 1851 West 1700 South. This alternative will result in **No Historic Properties Affected** for properties 1136 West 1700 South, 1206 West 1700 South, 1224 West 1700 South, 1384 West 1700 South, 1412 West 1700 South, 1518 West 1700 South, 1532 West 1700 South, 1558 West 1700 South, 1578 West 1700 South, 1674 West 1700 South, 1688 West 1700 South, 1698 West 1700 South, 1708 West 1700 South, and 1752 West 1700 South.

Construction of the North Shift Alternative will result in a complete take for the properties located at 1048 West 1700 South, 1136 West 1700 South, 1206 West 1700 South, 1224 West 1700 South, 1384 West 1700 South, 1412 West 1700 South, 1518 West 1700 South, 1532 West 1700 South, 1558 West 1700 South, 1578 West 1700 South, 1674 West 1700 South, 1688 West 1700 South, 1698 West 1700 South, 1708 West 1700 South, 1752 West 1700 South, 1782 West 1700 South, 1792 West 1700 South, 1848 West 1700 South, and 1862 West 1700 South. Therefore, in accordance with 36 CFR 800.4(d) and 800.5(a-d), the UDOT has determined this alternative will have an **Adverse Effect** on these properties. This

Table 2: Potentially Impacted NRHP Eligible Properties Within the APE

Address	Year	Style/Type	South Shift	North Shift
1654 S. 1000 W.	1930	Other Residential Type	NAE	NAE
1048 W. 1700 S.	1921	Bungalow	NAE	Y*
1136 W. 1700 S.	1945	Early Ranch	N	Y*
1206 W. 1700 S.	1907	20 th Century Other Crosswing	N	Y*
1224 W. 1700 S.	1951	Ranch/Rambler	N	Y*
1379 W. 1700 S.	1957	Ranch/Rambler	Y*	N
1384 W. 1700 S.	1949	Minimal Traditional WWII-Era Cottage	N	Y*
1412 W. 1700 S.	1955	Ranch/Rambler	N	Y*
1518 W. 1700 S.	1913	Bungalow	N	Y*
1532 W. 1700 S.	1948	Minimal Traditional WWII-Era Cottage	N	Y*
1533 W. 1700 S.	1958	Early Ranch	Y*	NAE
1557 W. 1700 S.	1947	Minimal Traditional WWII-Era Cottage	Y*	N
1558 W. 1700 S.	1942	Minimal Traditional WWII-Era Cottage	N	Y*
1578 W. 1700 S.	1940	20 th Century Other Arcaded Block Comm.	N	Y*
1609 W. 1700 S.	1954	Early Ranch	Y*	N
1661 W. 1700 S.	1956	Ranch/Rambler	Y*	N
1674 W. 1700 S.	1954	Early Ranch	N	Y*
1688 W. 1700 S.	1953	Ranch/Rambler	N	Y*
1698 W. 1700 S.	1900	Victorian Eclectic	N	Y*
1708 W. 1700 S.	1910	Bungalow/Period Revival Other	N	Y*
1711 W. 1700 S.	1937	Minimal Traditional WWII-Era Cottage	Y*	N
1729 W. 1700 S.	1958	Early Ranch	Y*	N
1752 W. 1700 S.	1920	Bungalow	N	Y*
1782 W. 1700 S.	1909	Victorian Eclectic	NAE	Y*
1792 W. 1700 S.	1946	20 th Century Other Vernacular	NAE	Y*
1797 W. 1700 S.	1913	20 th Century Other	Y*	N
1848 W. 1700 S.	1900	Vernacular 1-Part Block	Y*	Y*
1851 W. 1700 S.	1926	Colonial Revival Bungalow	NAE	N
1862 W. 1700 S.	1948	Minimal Traditional WWII-Era Cottage	Y*	Y*
1867 W. 1700 S.	1950	Ranch/Rambler	N	N
2047 W. 1700 S.	1926	20 th Century Commercial Service Bay	N	N
2057 W. 1700 S.	1926	Period Revival Other Bungalow	N	N
1655 S. 2000 W.	1926	20 th Century Commercial 1-Part Block	N	N

Legend
 Y The property WILL be adversely affected by the alternative
 N The property WILL NOT be affected by the alternative
 NAE There will be No Adverse Effect on the Historic Property
 * Complete Take

alternative also requires that small amounts of right-of-way are acquired from 2 other historic properties. In each of these cases, the right-of-way acquisition will not effect any of the contributory elements of the property. Therefore, this alternative will result in **No Adverse Effect** for the properties located at 1654 South 1000 West and 1533 West 1700 South. This alternative will result in **No Historic Properties Affected** for properties 1379 West 1700 South, 1557 West 1700 South, 1609 West 1700 South, 1661 West 1700 South, 1711 West 1700 South, 1729 West 1700 South, 1797 West 1700 South, and 1851 West 1700 South.

Proposed Mitigation

Pursuant to 36 CFR 800.6, the following measures are offered to facilitate consultation with USHPO regarding methods to minimize the effects of the project on the historic qualities of these properties. The UDOT is in the process of soliciting the views of interested parties. The historic properties will be documented to Utah State Intensive Level Survey (ILS) standards in advance of construction activity which may impact them.

If the South Shift Alternative is implemented, the UDOT will ensure the properties at 1379 West 1700 South, 1533 West 1700 South, 1557 West 1700 South, 1609 West 1700 South, 1661 West 1700 South, 1711 West 1700 South, 1729 West 1700 South, 1797 West 1700 South, 1848 West 1700 South, and 1862 West 1700 South are documented to Utah State ILS Standards.

If the North Shift Alternative is implemented, the UDOT will ensure the properties at 1048 West 1700 South, 1136 West 1700 South, 1206 West 1700 South, 1224 West 1700 South, 1384 West 1700 South, 1412 West 1700 South, 1518 West 1700 South, 1532 West 1700 South, 1558 West 1700 South, 1578 West 1700 South, 1674 West 1700 South, 1688 West 1700 South, 1698 West 1700 South, 1708 West 1700 South, 1752 West 1700 South, 1782 West 1700 South, 1792 West 1700 South, 1848 West 1700 South, and 1862 West 1700 South are documented to Utah State ILS Standards.

If the USHPO agrees the above preservation plan fully takes into account the effects of the Alternatives on the historic properties located within the APE, the UDOT will develop a Memorandum of Agreement (MOA) pursuant to 36 CFR 800.6(b). The MOA will also include stipulations for planning for discovery and monitoring, review of implementation, and measures for dispute resolution, and include provisions specific to the Utah Native American Graves Protection & Repatriation Act (UNAGPRA). The UDOT will notify the USHPO which alternatives are selected and that the project will have an **Adverse Effect** on historic properties.

SECTION 4(f) CONSIDERATIONS

This section has been included to facilitate USHPO and ACHP consultation concerning the applicability of Section 4(f) of the Department of Transportation Act of 1966, as amended. Consultation with the USHPO and the Council concerning Section 4(f) applicability is required by 23 CFR 771.135 (52 Federal Register 167, pp. 32667-32669, August 28, 1987).

Title 23 of the Code of the Federal Regulations 771.135(a), Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303) states that "The Administration may not approve the use of land from...any significant historic site unless a determination is made that:

- (i) There is no feasible and prudent alternative to the use of land from the property; and
- (ii) The action includes all possible planning to minimize harm to the property resulting from such use."

Paragraph (e) of this regulation states that Section 4(f) requirements "apply only to historic sites on or determined eligible for the NRHP in consultation with the SHPO." Paragraph (g) states that this regulation applies "to all archeological sites on or eligible for the NRHP, including those discovered during construction, unless the Administration, in consultation with SHPO and ACHP, determines that the archeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place."

Finally, this regulation implicitly states that an historic property must be "used" (i.e., affected) by a project in order for the FHWA to make a 4(f) determination.

4(f) Determination

Based on the above criteria and the Determinations of Eligibility and Finding of Effect presented in this document, the UDOT and the FHWA have determined that Section 4(f) considerations do apply to the historic properties along the Syracuse Road Project corridor if either alternative is implemented. Section 4(f) considerations apply to historic properties at 1654 South 1000 West, 1048 West 1700 South, 1136 West 1700 South, 1206 West 1700 South, 1224 West 1700 South, 1379 West 1700 South, 1384 West 1700 South, 1412 West 1700 South, 1518 West 1700 South, 1532 West 1700 South, 1533 West 1700 South, 1557 West 1700 South, 1558 West 1700 South, 1578 West 1700 South, 1609 West 1700 South, 1661 West 1700 South, 1674 West 1700 South, 1688 West 1700 South, 1698 West 1700 South, 1708 West 1700 South, 1711 West 1700 South, 1729 West 1700 South, 1752 West 1700 South, 1782 West 1700 South, 1792 West 1700 South, 1797 West 1700 South, 1848 West 1700 South, 1851 West 1700 South,

1862 West 1700 South, 1867 West 1700 South, 2047 West 1700 South, 2057 West 1700 South, and 1655 South 2000 West.

If an archaeological site is “discovered” during construction, the FHWA will determine, as part of the evaluation and consultation process, whether or not Section 4(f) considerations apply to the discovered site.

Execution of the MOA between the FHWA, the USHPO, and the ACHP would serve as “all possible planning to minimize the harm to the property resulting from such use,” as stated in condition (ii) of paragraph (a), above. The MOA will contain provisions for HABS, HAER, and/or ILS documentation and data recovery if appropriate if any of the build alternatives are implemented. Additional stipulations providing for dispute resolution and review of implementation also serve to satisfy the mandate that “all measures to minimize harm” are considered.

REFERENCES CITED

Calkins, Nancy

2004 *Selective Reconnaissance Survey: Syracuse, Davis County, Utah.*

Billat, Lorna

2004 *A Cultural Resource Inventory of a Segment of Syracuse Road (SR-108) from 1000 West to 2000 West in Syracuse, Davis County, Utah.* Earthtouch, L.L.C., Layton; ET Cultural Report 04-05.

EXHIBIT A:

Syracuse Road Project Area

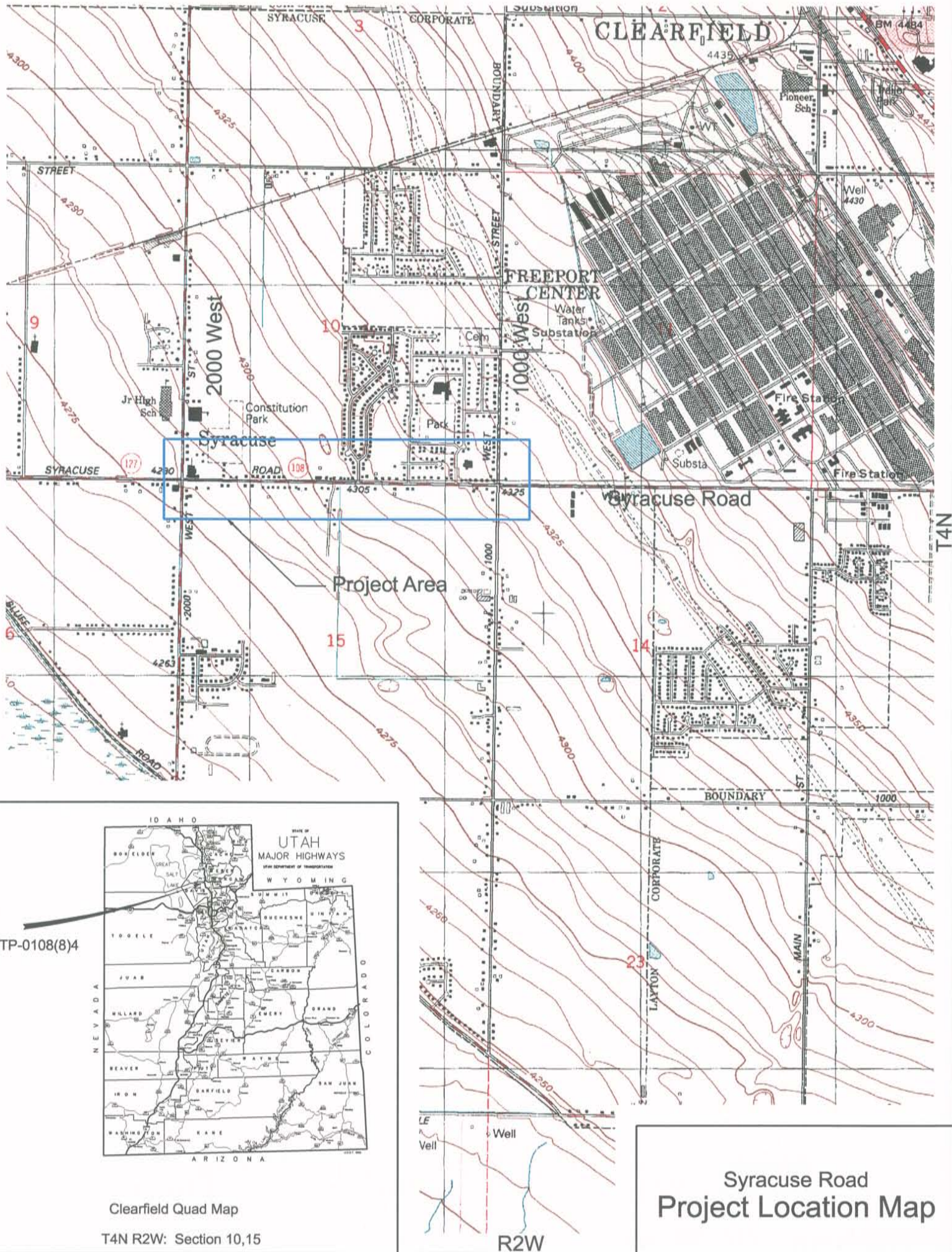


EXHIBIT B:
Syracuse Road Alternatives
and
Area of Potential Effects

ALTERNATIVE C

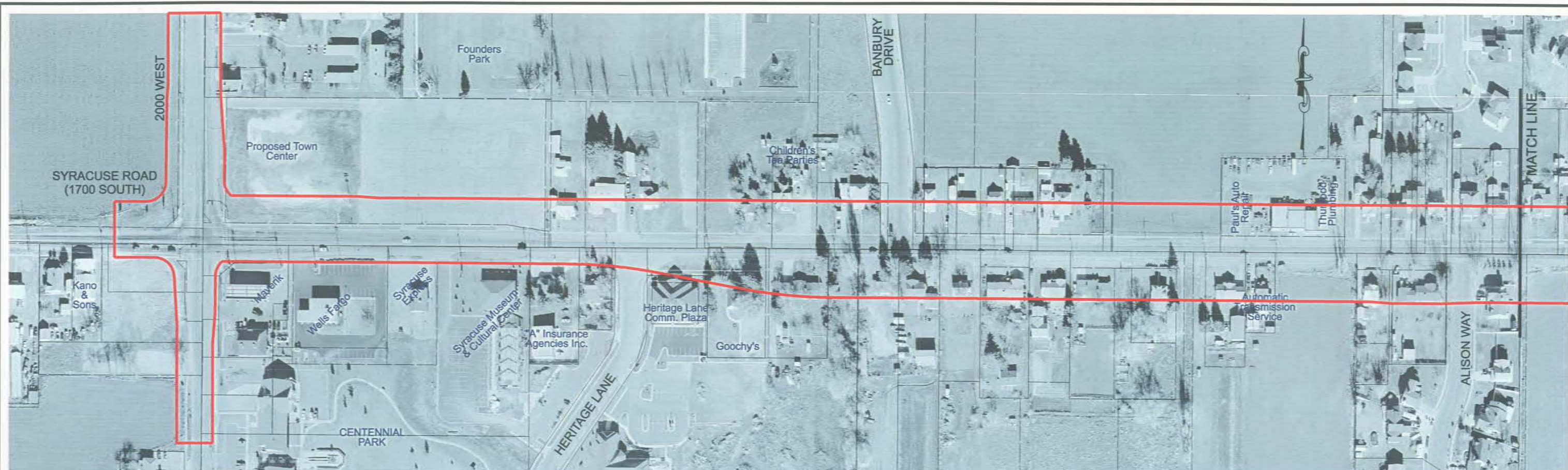
ALTERNATIVE D

- LEGEND:
- HISTORIC PROPERTY BOUNDARY
 - HISTORIC STRUCTURE
 - PROPERTY OF LOCAL IMPORTANCE
 - RELOCATION
 - PROPOSED RIGHT-OF-WAY
 - UTILITY / LANDSCAPE ZONE OR EASEMENT

ALTERNATIVE C
AND
ALTERNATIVE D

\$\$\$date\$\$\$time\$\$\$user\$\$\$

DGN TAG: \$\$\$file\$\$\$



AREA OF
POTENTIAL EFFECT

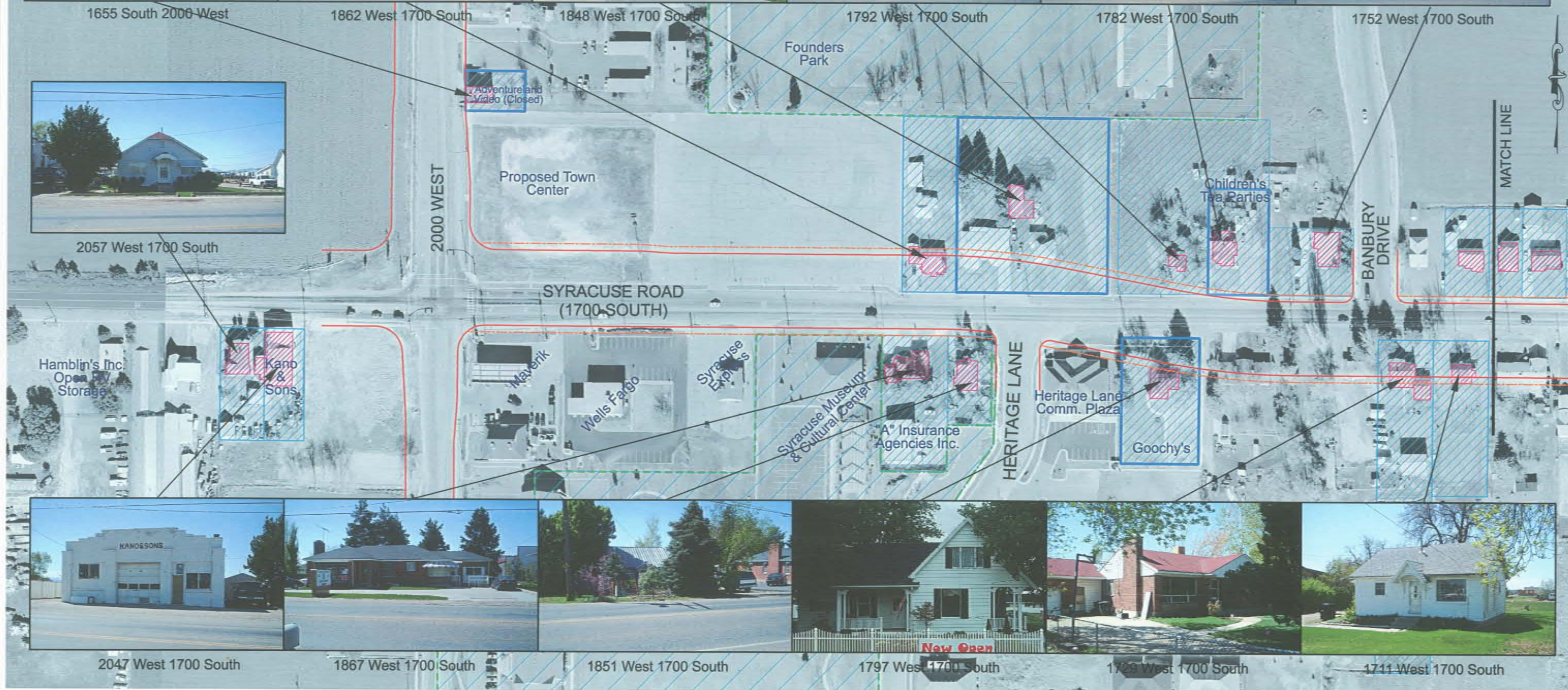
Exhibit C: Historic Properties Relative to Project Alternatives



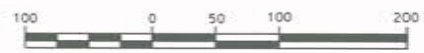
1655 South 2000 West 1862 West 1700 South 1848 West 1700 South 1792 West 1700 South 1782 West 1700 South 1752 West 1700 South



2057 West 1700 South



- LEGEND**
- HISTORIC PROPERTY BOUNDARY
 - HISTORIC STRUCTURE
 - PROPERTY OF LOCAL IMPORTANCE
 - RIGHT-OF-WAY
 - UTILITY / LANDSCAPE ZONE OR EASEMENT



**HISTORIC PROPERTIES
ALTERNATIVE C**

1708 West 1700 South

1674 West 1700 South

1578 West 1700 South

1558 West 1700 South

1532 West 1700 South

1412 West 1700 South



LEGEND

- HISTORIC PROPERTY BOUNDARY
- HISTORIC STRUCTURE
- PROPERTY OF LOCAL IMPORTANCE
- RIGHT-OF-WAY
- UTILITY / LANDSCAPE ZONE OR EASEMENT



HISTORIC PPOPERTIES
ALTERNATIVE C

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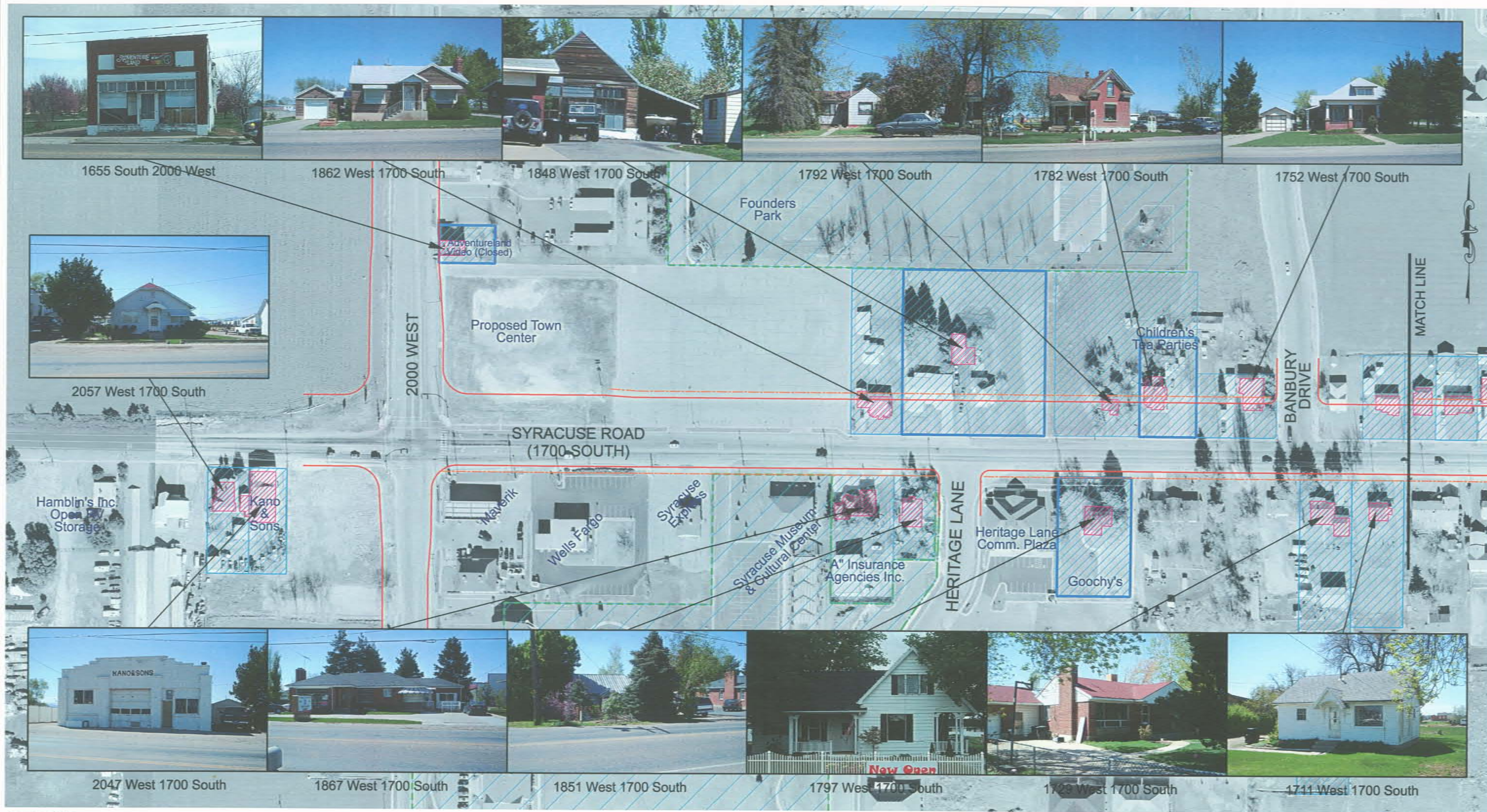


LEGEND

- HISTORIC PROPERTY BOUNDARY
- HISTORIC STRUCTURE
- PROPERTY OF LOCAL IMPORTANCE
- RIGHT-OF-WAY
- UTILITY / LANDSCAPE ZONE OR EASEMENT



HISTORIC PROPERTIES
ALTERNATIVE C



- LEGEND**
- HISTORIC PROPERTY BOUNDARY
 - HISTORIC STRUCTURE
 - PROPERTY OF LOCAL IMPORTANCE
 - RIGHT-OF-WAY
 - UTILITY / LANDSCAPE ZONE OR EASEMENT



**HISTORIC PROPERTIES
ALTERNATIVE D**

1708 West 1700 South

1674 West 1700 South

1578 West 1700 South

1558 West 1700 South

1532 West 1700 South

1412 West 1700 South



LEGEND

- HISTORIC PROPERTY BOUNDARY
- HISTORIC STRUCTURE
- PROPERTY OF LOCAL IMPORTANCE
- RIGHT-OF-WAY
- UTILITY / LANDSCAPE ZONE OR EASEMENT



HISTORIC PPOPERTIES
ALTERNATIVE D

EXHIBIT D PROPOSED SPECIAL PROVISION

Special Provision - Limitation of Operations

The Contractor will limit operation to within a corridor bounded by 10 ft outside the edge of cut or fill. The Contractor is not permitted to operate or store equipment and/or materials, or place facilities within the right-of-way until such locations are approved in writing by the Project Engineer or UDOT staff archaeologists.

If the Contractor strays outside the planned design limits and/or enters a restricted area, the Contractor is totally responsible for the mitigation of damage to cultural or paleontological resources, at the Contractor's expense. The mitigation plan will be formulated by the Project Engineer in consultation with the UDOT archeological staff and/or other appropriate technical personnel. Mitigation will be implemented according to the time-line specified by the UDOT Project Engineer, and is binding and non-negotiable with the Contractor.

The Contractor will not be eligible for additional time lost for mitigation of damages. If the Contractor violates this restriction of operations, the violation may be considered a material breach, and the UDOT may elect to terminate the contract. Other federal and state law may apply independent of the contract.

EXHIBIT E DISCOVERY PROCEDURES

In accordance with 36 CFR 800.6(c)(6) and 800.13(a), the UDOT and the FHWA are providing for the protection, evaluation, and treatment of any historic property discovered prior to or during construction. UDOT Standard Specification 1355 1.10 applies to this project, and stipulates instructions to the contractor for the protection of any archeological, historical, or paleontological resource discovered in the course of construction.

Specifically, upon discovery, construction operations shall be immediately stopped in the vicinity and the UDOT Engineer shall be verbally notified of the nature and exact locations of the findings. The Contractor shall not damage the discovered objects and shall provide written confirmation of the discovery to the Engineer within two (2) calendar days. The

Engineer will provide written confirmation when the restriction is terminated. If a changed condition is approved, it will be controlled in accordance with Subsection 725 1.5:

Differing Site Conditions, Changes and Extra Work.

Should a discovery occur, the UDOT will consult with the USHPO and the Council in accordance with 36 CFR 800.13(a) toward developing and implementing an appropriate treatment plan prior to resuming construction.

**MEMORANDUM OF AGREEMENT
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION,
AND
THE UTAH STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE UDOT PROJECT * STP-0108(8)4: SR-108; Syracuse Road, 1000 West
to 2000 West, Syracuse, Utah.**

WHEREAS, the Federal Highway Administration (FHWA), Utah Division, has determined that the Preferred Alternative (Alternative C) for UDOT Project * **STP-0108(8)4: SR-108; Syracuse Road, 1000 West to 2000 West, Syracuse, Utah** (hereafter referred to as the Project), will have an adverse effect on 10 historic properties (1379 West 1700 South, 1533 West 1700 South, 1557 West 1700 South, 1609 West 1700 South, 1661 West 1700 South, 1711 West 1700 South, 1729 West 1700 South, 1797 West 1700 South, 1848 West 1700 South, and 1862 West 1700 South) in Syracuse, Utah that are eligible for inclusion in the National Register of Historic Places (NRHP), and has consulted with the Utah State Historic Preservation Officer (SHPO) in accordance with 36 CFR Part 800.6(b)(1), regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. §470 *et seq.*) to resolve the adverse effects; and

WHEREAS, the Utah Department of Transportation (UDOT) is the agency coordinating this project on behalf of the FHWA and has participated in the consultation, the FHWA has invited them to sign this Memorandum of Agreement (MOA) pursuant to 36 CFR 800.6(c)(2) as an invited signatory; and

WHEREAS, the City of Syracuse has participated in the technical coordination and has been invited by FHWA to sign this MOA pursuant to 36 CFR 800.6(c)(2) as an invited signatory; and

WHEREAS, the Syracuse Museum Foundation has participated in the technical coordination and have been invited by FHWA to sign this MOA pursuant to 36 CFR 800.6(c)(2) as a concurring party; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), the FHWA has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination, with specified documentation, and the Council has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

WHEREAS, the parties to this MOA have considered the applicable requirements of the Utah Native American Grave Protection and Repatriation Act of 1992 (U.C.A. 9-9-401, *et seq.*, and its implementing rule R230-1) and Utah Code 76-9-704; and the Federal Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. §3001), when applicable, in the course of consultation;

NOW, THEREFORE, the FHWA and the Utah SHPO agree that upon FHWA's decision to proceed with the undertaking, FHWA shall ensure that the following stipulations are implemented in order to take into account the effects of the undertaking on historic properties, and the stipulations shall govern the undertaking and all of its parts until this MOA expires or is terminated.

STIPULATIONS

The FHWA shall ensure that the following stipulations are carried out:

1 FULL INTENSIVE LEVEL SURVEY (ILS)

- 1.1 An Intensive Level Survey (ILS) utilizing the SHPO ILS forms will be completed for the following 10 properties that will be adversely affected by the Project: 1379 West 1700 South, 1533 West 1700 South, 1557 West 1700 South, 1609 West 1700 South, 1661 West 1700 South, 1711 West 1700 South, 1729 West 1700 South, 1797 West 1700 South, 1848 West 1700 South, and 1862 West 1700 South. In addition, an ILS will be completed for the following five additional locally-important properties that are situated in the APE, but will not be adversely affected by the Project: 1048 West 1700 South, 1206 West 1700 South, 1518 West 1700 South, 1782 West 1700 South, and 1655 South 2000 West.
- 1.2 Photographs are required of all buildings or structures on the property. An adequate number of professional quality black-and-white photographs (3x5 prints with accompanying negatives) to show all exterior elevations (where possible to obtain all elevations), streetscapes, all outbuildings, detailed photographs of all areas to be impacted by the adverse effect, and photographs of exterior architectural trim/decorations, shall be submitted. Photographs shall be numbered and labeled with address (street and city) and date photograph was taken, and keyed to a site plan and floor plan. All prints and negatives shall be submitted in archivally stable protective storage pages.
- 1.3 Sketch floor plans of all eligible buildings shall be submitted. The plans must be based on an accurate footprint (e.g., Sanborn maps, tax card drawings, or measurements taken on site) and show all existing construction. Rooms shall be labeled by use. These non-measured drawings are to be on 8.5x11 or 11x17 sheets. A site sketch plan showing subject buildings and all outbuildings is also required.
- 1.4 A legible photocopy of the entire historic tax card of the property and a 5x7 black-and-white print and negative of the historic tax card photo (if available) shall be submitted. Label and submit print and negative as described above. Other research shall be conducted as necessary to obtain complete information on the property; sources include the title abstracts, Sanborn maps, building permits, architects' file, city directories, family histories, and others.
- 1.5 All materials shall be submitted to the Utah Division of State History, Preservation Section, to be placed on file.
- 1.6 The UDOT shall ensure that all historic work carried out pursuant to this agreement is completed by or under the direct supervision of a person or persons meeting or exceeding the *Secretary of the Interior's Historic Preservation Professional Qualification Standards for History* (36 CFR 61 Appendix A).

2 SALVAGE OF MATERIALS

- 2.1 If a structure is to be demolished, and after the property has been documented in accordance with Stipulation 1 above, the UDOT shall ensure that the Certified Local Government (CLG) with jurisdiction over the property in question is afforded at least 30 days before demolition to select doors, windows, wall sconces, wainscoting, and other architectural elements for reuse. The UDOT shall provide the CLG with jurisdiction over the property in question access to the property to select such items. If major structural elements (e.g., bricks) cannot be removed prior to demolition, but will be removed by the contractor during demolition, the UDOT will coordinate with the contractor to have these elements removed in a manner that

minimizes damage and that can be recovered by the CLG with jurisdiction over the property in question.

- 2.2 UDOT and the CLGs are both governmental entities subject to the Governmental Immunity Act, Title 63, Chapter 30. Utah Code Annotated. The CLGs agree to indemnify UDOT and FHWA, its officers, employees, and agents and hold them harmless from and against any claims alleged to be the result of, or to have arisen out of, the salvage of materials. Nothing in this paragraph is intended to create additional rights to third parties or to waive any governmental immunity under federal or state law.

3 INADVERTENT DISCOVERY OF CULTURAL RESOURCES

The FHWA and the UDOT have developed a plan of action for consultation with the SHPO regarding inadvertent discovery of previously undiscovered cultural resources potentially eligible to the NRHP.

In the event that cultural resources are discovered:

- 3.1 *Cease Activity*: Work will stop in the immediate area of the discovery in accordance with UDOT Standard Specification 01355, Part 1.10 as detailed in Attachment A. The UDOT will notify the SHPO and FHWA. The FHWA will subsequently notify the Council If human remains are encountered, the contractor will follow procedures detailed in Stipulation 4 below.
- 3.2 *Evaluate Resource and Determine Eligibility*: The UDOT will coordinate with the Contractor to have a qualified archaeologist evaluate the resource for NRHP eligibility. The designated archaeologist will apply NRHP criteria (36 CFR 60.4) to all cultural resources discovered during the Project and associated construction activities to evaluate potential for inclusion in the NRHP The designated archaeologist will also prepare a draft inventory report of the findings. The content and scope of the draft and final report on the results of the evaluation study will follow guidelines as found in the UDOT's *Guidelines for Archaeological Survey and Testing*. The archaeological consultant will have one week to complete the report.
- 3.3 *Assessment of Effects*: In situations affecting, or with the potential to affect, historic properties, the UDOT will apply the criteria of adverse effect as defined in 36 CFR 800.5 to all properties determined to be eligible for the NRHP. A Determination of Eligibility and Finding of Effect (DOE/FOE) will be submitted to the SHPO and to the parties to this agreement, along with appropriate documents generated as a result of the inadvertent discovery. The UDOT and the SHPO will have 15 days to complete this process.
- 3.4 *Treating Effects*: If construction of the Project might affect historic properties eligible for the NRHP, the UDOT will develop site specific treatment plans to minimize or mitigate the effects of the historic properties located within the area of the discovery in coordination with the SHPO and other parties to this agreement (if applicable) as follows:
 - 3.4.1 Human remains and the associated cultural items will be treated in accordance with the Utah NAGPRA.
 - 3.4.2 Avoiding impact to historic properties is preferred to mitigation. Redesign will be implemented when technically, economically, and environmentally feasible and prudent, to avoid constructing the Project or related construction activities in a manner that may affect historic properties.
 - 3.4.3 If the historic property cannot be avoided, data recovery will be undertaken.
 - 3.4.3.1 The FHWA shall ensure that a data recovery plan is developed by UDOT in consultation with the SHPO, and consulting parties for the recovery of archeological data. The plan shall be consistent with the *Secretary of the Interior's Standards and Guidelines for Archeological*

Documentation (48 FR 44734-37) and take into account the Council's publication, *Treatment of Archeological Properties* (Advisory Council on Historic Preservation, 1980), subject to any pertinent revisions the Council may make in the publication prior to completion of the data recovery plan and to relevant SHPO or other guidance.

- 3.4.3.2 The data recovery plan shall be submitted by the UDOT to the SHPO, and to the other parties to this agreement (if applicable), for a 15-day review. Unless these parties object within 15 days after receipt of the plan, the FHWA through the UDOT shall ensure that the data recovery plan is implemented.
- 3.5 *Cultural material (artifact) curation.* Upon discovery and gathering of cultural items within the Project APE, exclusive of items covered by Utah NAGPRA as defined by that act, the UDOT will ensure that the items will be placed in an appropriate repository facility as described in 36 CFR 79.
- 3.6 *Report and documentation curation.* Upon the UDOT finalizing the documentation of the discovery, all reports and documentation will accompany the cultural material consistent with the provisions described in 36 CFR 79. Upon written request of the Tribes, a copy of said documentation shall be provided for the tribal archives.

4 PROJECT SPECIFIC PROCEDURES FOR IMPLEMENTING UTAH NAGPRA (U.C.A. 9-9-401 et. seq. AND ITS IMPLEMENTING RULE R230-1 AND UTAH CODE 76-9-704)

In the event that human remains are uncovered during construction activities

4.1 Implementation of Objectives

- 4.1.1 The UDOT will provide the contractor and UDOT Resident Engineer (RE) with a set of procedures to be followed in the event of an inadvertent discovery of human remains.
- 4.1.2 Upon discovery of potential human remains (including cultural items as defined by Utah NAGPRA), construction activities within the immediate area of discovery shall cease and the site will be secured, as required by U.C.A. 9-9-403(b) and its implementing rule R230-1-6(2). The Resident Engineer is to immediately notify the UDOT Environmental Staff and/or local law enforcement as required by U.C. 76-9-704. A determination of the nature of the remains will be made by the UDOT archaeologists.
- 4.1.3 If the site is determined to contain Native American remains, the UDOT will contact FHWA within one (1) working day. The FHWA will provide notification to the Division of Indian Affairs (DIA) and the Division of State History no later than five (5) working days, as required by Utah Administrative Rule R230-1-6(4)(b) and invite the representatives of both divisions to visit the site containing the remains. If contact with the FHWA cannot be made within this timeframe, the UDOT may contact the DIA and the Division of State History directly for the purposes of expediting notification. The DIA will be allowed access to the remains for the purpose of performing ceremonies, discussing treatment options, and monitoring excavation if removal is deemed necessary.
- 4.1.4 If the site is determined not to contain Native American remains, work will resume at the direction of the UDOT archaeologist.

5 ADMINISTRATIVE STIPULATIONS

5.1 Changes in the Undertaking

- 5.1.1 If an alternative other than the Preferred Alternative is selected, an amendment

to the MOA would be made in accordance with Stipulation 5.8, and the amended MOA would reflect mitigation measures associated with the adversely affected properties.

5.1.2 FHWA and UDOT shall ensure that any changes to the Project that affect the terms and conditions of the MOA are covered by corresponding proposed amendments to the MOA in accordance with Stipulation 5.8.

5.1.3 If, during the Project planning or implementation, modification and/or changes are proposed in ancillary areas that have not been previously inventoried for historic properties, the UDOT shall ensure that the area is inventoried and that historic properties are evaluated in a manner consistent with the inventory, evaluation, and standards identified in 36 CFR §§800.4-800.5. The UDOT will prepare a draft report(s) of the inventory results and submit said document(s) to the parties of this MOA for review and comment. UDOT will review comments and prepare a final report incorporating, as determined necessary, the comments. Final reports will be provided to the parties of this MOA.

5.1.4 The parties to this MOA shall be afforded an opportunity to comment within 30 days on documents prepared in response to revisions to the undertaking.

5.2 Documents

5.2.1 The UDOT shall ensure that any/all reports on activities carried out pursuant to this MOA are provided to the SHPO, the Council, the Tribes (if applicable), and upon request to any other consulting parties, following completion of the activities stipulated in the MOA.

5.2.2 Unless otherwise stated, document review shall be 30 days following receipt of said document submitted for review. Unless notified, the FHWA and UDOT may assume failure of any party to respond within 30 days indicates their concurrence.

5.3 *Personnel Qualifications*: The UDOT shall ensure that all work carried out pursuant to this agreement is completed by, or under the direct supervision of, a person or persons meeting or exceeding the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (36 CFR 61)

5.4 *Phasing*: If construction of the project is to be phased, certain measures such as moving and salvaging elements may be done at a later date. A cooperative agreement would be developed between UDOT, SHPO, and the affected parties to this MOA to provide for the process.

5.5 *Tribal Consultation Process*: Unless otherwise agreed upon, Tribal consultation will occur between the FHWA and the Tribes throughout the Project.

5.6 Dispute Resolution

5.6.1 Should the signatory parties to this MOA object within 30 days to any documentation provided for review pursuant to this MOA, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall request further comments of the Council pursuant to 36 CFR 800.9. Any Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR 800.9 with reference only to the subject of the dispute; the FHWA responsibility to carry out all actions under this MOA that are not the subject of the dispute will remain unchanged.

5.6.2 The Utah DIA, State Native American Remains Review Committee (NARRC), will arbitrate disputes relative to Utah NAGPRA in accordance with U.C.A. 9-9-405 (3)(c), if consultation fails to resolve the dispute.

5.7 *Duration*. This agreement will be null and void if its terms are not carried out within five (5) years from the date of its execution. In such event the FHWA shall notify parties to this agreement in writing, and if it chooses to continue with the undertaking, shall re-initiate review for the undertaking in accordance with 36 CFR Part 800.

5.8 Amendment

- 5.8.1 Any signatory party to this MOA may request an amendment(s), whereupon the other signature parties will consult to consider such amendment(s).
- 5.8.2 Any proposed amendment to this MOA must be submitted to the FHWA in writing, with an explanation as to the reasoning for the requested change. The FHWA will initiate consultation with the signatory parties for their consideration of the proposed amendment(s) under the time provisions as set forth in 5.8.3.
- 5.8.3 The FHWA will provide copies of written request(s) for amendment from any signatory party to all other signature parties within three (3) days, and the parties agree to begin discussions regarding proposed amendments immediately.

5.9 Termination

- 5.9.1 If the MOA is not amended following the consultation set out in Stipulation 5.8, it may be terminated by any signatory by written notification.
- 5.9.2 Within 30 days following termination, the FHWA shall notify the signatories if it will initiate consultation to execute a new MOA with the signatories under 36 CFR 800.6(c)(1) or request the comments of the Council under 36 CFR 800.7(a) and proceed accordingly.

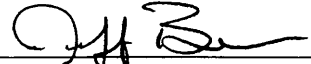
5.10 Reports on Implementation

- 5.10.1 On or before March 1 of every year until the FHWA and the SHPO agree in writing that the terms of this agreement have been fulfilled, the UDOT shall prepare and provide all parties to this agreement a summary report detailing work undertaken pursuant to its terms. Such report shall address the following topics:
 - Progress in constructing the project;
 - Progress in recording the adversely affected properties;
 - Any inadvertent discoveries that have been made, if construction has been undertaken;
 - Any problems or unexpected issues encountered during the year; and
 - Any changes that the FHWA or the UDOT believe should be made in implementation of this agreement.
- 5.10.2 The signatories to this agreement shall review the annual report and provide comments to the UDOT. Non-signatory parties to this agreement may review and comment on the annual report at their discretion.
- 5.10.3 At the request of any party to this agreement, the FHWA shall ensure that a meeting or meetings are held to facilitate review and comment, to resolve questions, or to resolve adverse comments.
- 5.10.4 Based on this review, the signatories to this agreement shall determine whether this agreement shall continue in force, be amended, or be terminated.

Execution of this Memorandum of Agreement by the FHWA and the Utah SHPO; the UDOT, the City of Syracuse, and the Syracuse Museum Foundation; the submission of documentation and filing of this Memorandum of Agreement with the Council pursuant to 36 CFR 800.6(b)(1)(iv) prior to the FHWA's approval of this undertaking, and implementation of its terms, are evidence that the FHWA has taken into account the effects of this undertaking on historic properties, and has afforded the Council an opportunity to comment on the UDOT Project * **STP-0108(8)4: SR-108; Syracuse Road, 1000 West to 2000 West, Syracuse, Utah**

SIGNATORIES:

THE FEDERAL HIGHWAY ADMINISTRATION

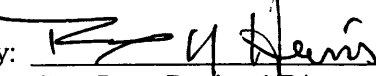
By:  Date: 4/06/06
for Butch Waideich, Division Administrator

UTAH STATE HISTORIC PRESERVATION OFFICER

By:  Date: 4/3/2006
Wilson Martin, Utah State Historic
Preservation Officer

INVITED SIGNATORIES:

UTAH DEPARTMENT OF TRANSPORTATION

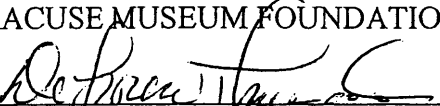
By:  Date: 4/6/06
for Cory Pope, Region 1 Director

SYRACUSE CITY

By:  Date: 4/4/06
Fred Panucci, Mayor

CONCURRING PARTIES

SYRACUSE MUSEUM FOUNDATION

By:  Date: 3 April 2006
De Lore W. Thurgood, President

ATTACHMENT A

UDOT STANDARD SPECIFICATION FOR DISCOVERY OF HISTORIC, ARCHEOLOGICAL OR PALEONTOLOGICAL OBJECTS

Standard Specification Section 01355, Part 1.10, Discovery of Historical, Archaeological or Paleontological Objects

Standard Specification Section 01355, Part 1.10, Discovery of Historical, Archaeological, or Paleontological Objects, will be enforced during this project. This specification stipulates procedures to be followed should any archaeological, historical, or paleontological resource be discovered during construction of the project. These procedures are as follows:

1. Immediately suspend construction operations in the vicinity of the discovery if a suspected historic, archeological or paleontological item, feature, prehistoric dwelling sites or artifacts of historic or archeological significance are encountered.
2. Verbally notify the ENGINEER of the nature and exact location of the findings.
3. The ENGINEER contacts the State archeological authorities to determine the disposition of the objects.
4. Protect the discovered objects and provide written confirmation of the discovery to the ENGINEER within 2 calendar days.
5. The ENGINEER keeps the CONTRACTOR informed concerning the status of the restriction.
 - o The time necessary for the DEPARTMENT to handle the discovered item, feature, or site is variable and dependent on the nature and condition of the discovered item.
 - o Expect a two (2) week or more delay in the vicinity of the discovery.
 - o The Engineer will provide written confirmation when the restriction is terminated.

Should a discovery occur, the FHWA will consult with the SHPO/THPO, and the Council in accordance with 36 CFR 800.13(b)(3) toward developing and implementing an appropriate treatment plan prior to resuming construction.